

1 **CRIMINAL PROSECUTION MODIFICATIONS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd D. Weiler**

5 House Sponsor: Nelson T. Abbott

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses criminal prosecutions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ requires the Administrative Office of the Courts to collect data in regards to
13 preliminary hearings;

14 ▶ requires the State Commission on Criminal and Juvenile Justice to include
15 preliminary hearing data gathered by the Administrative Office of the Courts in the
16 annual report for the State Commission on Criminal and Juvenile Justice; and

17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **78A-2-109.5**, as enacted by Laws of Utah 2020, Chapter 200

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **78A-2-109.5** is amended to read:

28 **78A-2-109.5. Court data collection and reporting.**

29 (1) As used in this section, "commission" means the Commission on Criminal and

30 Juvenile Justice created in Section 63M-7-201.

31 (2) The Administrative Office of the Courts shall ~~[compile and provide]~~ submit the
32 following information to the commission for each criminal case filed with the court:

- 33 (a) case number;
- 34 (b) the defendant's:
 - 35 (i) full name;
 - 36 (ii) offense tracking number; and
 - 37 (iii) date of birth;
- 38 (c) charges filed;
- 39 (d) initial appearance date;
- 40 (e) bail amount set by the court, if any;
- 41 (f) whether the defendant was represented by a public defender, private counsel, or pro
42 se; and
- 43 (g) final disposition of the charges.

44 ~~[(3) The information shall be submitted]~~

45 (3) (a) The Administrative Office of the Courts shall submit the information described
46 in Subsection (2) to the commission on the 15th day of July and January of each year for the
47 previous six-month period ending the last day of June and December of each year in the form
48 and manner selected by the commission.

49 (b) If the last day of the month is a Saturday, Sunday, or state holiday, [the information
50 shall be submitted] the Administrative Office of the Courts shall submit the information
51 described in Subsection (2) to the commission on the next working day.

52 (4) Before July 1 of each year, the Administrative Office of the Courts shall submit the
53 following data on cases involving individuals charged with class A misdemeanors and felonies,
54 broken down by judicial district, to the commission for each preceding calendar year:

55 (a) the number of cases in which a preliminary hearing is set and placed on the court
56 calendar;

57 (b) the median and range of the number of times that a preliminary hearing is continued

58 in cases in which a preliminary hearing is set and placed on the court calendar;

59 (c) the number of cases, and the average time to disposition for those cases, in which
60 only written statements from witnesses are submitted as probable cause at the preliminary
61 hearing;

62 (d) the number of cases, and the average time to disposition for those cases, in which
63 written statements and witness testimony are submitted as probable cause at the preliminary
64 hearing;

65 (e) the number of cases, and the average time to disposition for those cases, in which
66 only witness testimony is submitted as probable cause at the preliminary hearing; and

67 (f) the number of cases in which a preliminary hearing is held and the defendant is
68 bound over for trial.

69 (5) The commission shall include the data collected under Subsection (4) in the
70 commission's annual report described in Section [63M-7-205](#).

71 **Section 2. Effective date.**

72 This bill takes effect on October 1, 2023.